

AMENDED IN SENATE AUGUST 31, 2015

SENATE BILL

No. 57

Introduced by ~~Senator Knight~~ Senators *Runner and Huff*
(Coauthors: Senators *Bates, Berryhill, Cannella, Gaines, Moorthach,*
***Nielsen, Stone, and Vidak*)**

December 19, 2014

~~An act to amend Section 31452 of the Government Code, relating to county employees' retirement. An act to add Section 7283 to the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 57, as amended, ~~Knight Runner. The County Employees Retirement Law of 1937.~~ *Law enforcement: immigration: felons.*

Existing law provides that a law enforcement official has discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under other specified circumstances.

This bill would prohibit a local law enforcement agency from seeking custody of a previously convicted felon who is being detained or incarcerated by another law enforcement agency if the felon is scheduled for deportation or transfer to federal authorities for deportation proceedings unless there is an outstanding felony warrant, and the agency has confirmed that the prosecutorial authority with jurisdiction to prosecute the felony has a current intent to prosecute that felony.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law exempts the right of a person to a pension, annuity, retirement allowance, return of contributions, and any other right accrued under the County Employees Retirement Law of 1937, among other things, from taxation.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 7283 is added to the Government Code,*
2 *to read:*

3 7283. *Notwithstanding any other law, a local agency shall not*
4 *seek custody of a previously convicted felon who is being detained*
5 *or incarcerated by another law enforcement agency if the felon is*
6 *scheduled for deportation or transfer to federal authorities for*
7 *deportation proceedings unless both of the following apply:*

8 (a) *The local law enforcement agency has an outstanding*
9 *warrant alleging that the subject felon committed a criminal offense*
10 *that constitutes a felony under current California law.*

11 (b) *The local law enforcement agency has confirmed that the*
12 *prosecutorial authority with jurisdiction to prosecute the felony*
13 *has a current intent to prosecute that felony.*

14 SEC. 2. *This act is an urgency statute necessary for the*
15 *immediate preservation of the public peace, health, or safety within*
16 *the meaning of Article IV of the Constitution and shall go into*
17 *immediate effect. The facts constituting the necessity are:*

18 *In order to ensure appropriate coordination as soon as possible*
19 *between local agencies and the federal government when persons*
20 *subject to prosecution are scheduled for deportation proceedings,*
21 *and to protect the public safety, it is necessary for this measure to*
22 *take effect immediately.*

23 ~~SECTION 1. Section 31452 of the Government Code is~~
24 ~~amended to read:~~

25 ~~31452. The right of a person to a pension, annuity, retirement~~
26 ~~allowance, return of contributions, the pension, annuity, or~~
27 ~~retirement allowance, any optional benefit, any other right accrued~~

1 or accruing to any person under this chapter, the money in the fund
2 created or continued under this chapter or the California Public
3 Employees' Pension Reform Act of 2013, and any property
4 purchased for investment purposes pursuant to this chapter, are
5 exempt from taxation, including any inheritance tax, whether state,
6 county, municipal, or district. They are not subject to execution
7 or any other process of court whatsoever except to the extent
8 permitted by Section 31603 and Section 704.110 of the Code of
9 Civil Procedure, and are unassignable except as specifically
10 provided in this chapter.

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